

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MAUREEN MCPADDEN, :
PLAINTIFF :
: :
VS. : CIVIL ACTION NO.:
: 1:14cv-00475-SM
WAL-MART STORES EAST, L.P. :
AND JENNIFER FONSECA, :
DEFENDANTS. :
:

RULE 30(b)(6) Deposition of
HEATHER HARRIS McCAFFREY, a Witness herein, taken on
behalf of the Plaintiff, on Thursday, August 27,
2015, 10:00 a.m., at the law office of Littler
Mendelson, P.C., One Financial Plaza, Suite 2205,
Providence, Rhode Island, before Cindy M. Tangney,
Registered Merit Reporter.

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50 Fieldstone Drive
East Greenwich, RI 02818-2064
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1 MR. KACZMAREK: Objection.

2 Q. That's not what it's called. Hold on.

3 Let me call it the right word. Professional
4 accountability matrix.

5 A. I have that, but I didn't review it. I
6 have that.

7 Q. Did you -- let me strike that.

8 When you say you have it, I mean, you have all
9 of these policies, right?

10 A. Right. Wal-Mart has many policies. I'm
11 not familiar with all of them. I'm very familiar
12 with the accountability matrix. I didn't need to
13 review it.

14 Q. Do you know who created that document?

15 A. I believe it's professional affairs at
16 home office. I'm not sure who specifically.

17 Q. Have you reviewed any of the pleadings
18 that have been filed in this case, motions,
19 affidavits, anything like that?

20 A. I had my own affidavit.

21 Q. Okay.

22 A. I don't believe I had -- I don't recall if
23 I have other ones.

24 Q. Okay. How about there was a communication
25 to the Human Rights Commission referred to as a

1 A. Like I said, I can't remember the exact
2 date that we expanded. I think it was in February
3 of 2013.

4 Q. Okay.

5 A. But I can't remember.

6 Q. All right. And when you expanded, you
7 expanded to include all of New England, correct?

8 A. Yes.

9 Q. And prior to that you had -- the region
10 was all of Massachusetts and some of New Hampshire?

11 A. Part of Southern New Hampshire.

12 Q. Southern New Hampshire. How many
13 pharmacies; do you remember?

14 A. I think I had 56 maybe, around that.

15 Q. So it went from 56 to 112?

16 A. Yes.

17 Q. I hope it included a raise.

18 A. No.

19 Q. Okay. It's my understanding, and correct
20 me if I'm wrong, that the objective is in terms of
21 accountability to be consistent within at least the
22 region; is that correct?

23 MR. KACZMAREK: Objection.

24 A. Yes.

25 Q. Now, is it correct to say that you really

1 want accountability to be consistent within the
2 entire company?

3 MR. KACZMAREK: Objection.

4 A. I can only control my area of
5 responsibility.

6 Q. I'm asking though, what does Wal-Mart
7 train you to do in terms of being a regional
8 manager; do they say we want you to distribute
9 accountability in a consistent manner throughout
10 your region; is that what they train you to do?

11 MR. KACZMAREK: Objection.

12 MR. FRADETTE: You can answer.

13 A. Yes. They want us to be consistent with
14 our accountability.

15 Q. And that consistency, if they're training
16 you as a regional manager, they're presumably
17 training other regional managers the same way; is
18 that your knowledge?

19 A. I would assume.

20 Q. Okay. When you do trainings, when
21 Wal-Mart trains you, do you do it as a group of
22 regional managers?

23 A. It varies.

24 Q. All right. From what to what?

25 A. We could have a computer-based learning,

1 we could have a webinar, we could have a
2 company-wide meeting. It can vary on the trainings.

3 Q. All right. And if it's a webinar, it
4 would be other regional managers on the webinar?

5 A. It could encompass regional directors. It
6 could encompass market directors. It could
7 encompass a lot of people.

8 Q. Okay. How often do you -- did you rather,
9 as regional manager, travel to Bentonville; can you
10 quantify that?

11 A. It could be between four and ten times a
12 year, depending on what we were doing.

13 Q. Now, I want to get an appreciation for how
14 well you knew Maureen McPadden. Can you tell me,
15 first of all, when did you first meet her?

16 A. I can't give you an exact date. I visited
17 all of my stores. I tried to visit them all within
18 the first year. So if she was in the store when I
19 was there, I might have visited her within the first
20 year of me taking over. I may have visited her
21 within my second year. I can't give you an exact
22 date.

23 Q. Okay. So you may have even met her before
24 she was at Seabrook?

25 A. It's possible.

1 | the Americans With Disabilities Act?

2 A. No.

3 Q. They don't give you any training about
4 that?

5 MR. KACZMAREK: Objection.

6 A. They give us a computer-based learning,
7 but I don't approve or have any sort of oversight on
8 ADAs in the stores.

9 Q. If a market director, like Mr. Certo, came
10 to you because a pharmacist had requested
11 accommodation, what would you do?

12 A. I would send him to HR.

13 Q. You would send Certo to HR?

14 A. Yes.

15 Q. Do you know whether Maureen made any
16 request for accommodation to Mr. Certo?

17 A. I'm not aware of any.

18 Q. Okay. Were you aware of a staffing --
19 technician staffing problem at the Seabrook store in
20 2011 and 2012?

21 MR. KACZMAREK: Objection.

22 A. I don't remember the exact dates.

23 Seabrook had an opportunity at one point, and we
24 actually overstaffed them.

25 Q. I'm sorry?

1 safety, isn't your concern now focused on public
2 safety, not -- you know, isn't that your concern?

3 MR. KACZMAREK: Objection.

4 A. My concern is safety, but my concern would
5 also be why can't this person handle the workload
6 that a pharmacist should be able to handle.

7 Q. Okay. Do you know whether Mr. Certo did
8 anything, to your knowledge, to address this e-mail?

9 A. Not this e-mail specifically. Like I
10 said, we overstaffed this store; so I know they had
11 more help than they needed in this store.

12 Q. Okay.

13 A. Whether it was because of this e-mail, I
14 don't know.

15 Q. All right. The next one I'm going to show
16 you is Certo 5 and McPadden 12. If you can read
17 that one.

18 A. Okay.

19 Q. In this e-mail on the 16th Maureen is
20 communicating with Mr. Certo in anticipation of a
21 need for additional support, correct?

22 A. Yes.

23 Q. And she's again expressing a concern for
24 safely filling prescriptions, correct?

25 A. Yes.

1 A. I was not aware of any disability for
2 Maureen.

3 Q. And she's alleging that her written
4 expressed concerns for public safety due to
5 understaffing was a factor in the decision to
6 terminate her; do you deny that?

7 MR. KACZMAREK: Objection.

8 A. That was never brought up, and like I
9 said, we overstaffed that store.

10 Q. When you say you overstaffed the store,
11 what do you rely on to prove that you overstaffed it?

12 MR. KACZMAREK: Objection.

13 A. You can look at any payroll records or any
14 of the pharmacists' wages. It was overstaffed based
15 on what was allocated for that store.

16 Q. Aside from looking at wages, did you do
17 any more of an investigation as to whether the
18 staffing was adequate?

19 MR. KACZMAREK: Objection.

20 A. Like I said, I personally toured that
21 store many times and watched what was going on in
22 the store. There was productivity issues, there was
23 efficiency issues, and there was just lack of job
24 performance issues that needed to be addressed as
25 well. We had plenty of bodies and plenty of people;